

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREIGHTQUOTE.COM, INC.,

Plaintiff,

v.

PACIFIC ATLANTIC FREIGHT,

Defendant.

Civil Action No. 1:08-cv-00823

Judge St. Eve
Magistrate Judge Nolan

PRELIMINARY STATUS REPORT

As set forth below, Defendant has not responded to the Complaint or otherwise contacted counsel for Plaintiff. Therefore, a Rule 26(f) meeting was not conducted, but Plaintiff submits this Preliminary Status Report.

1. Nature of the Case

This is a trademark infringement action filed against Pacific Atlantic Freight for violation of Plaintiff's common law and federally registered family of "Freightquote" trademarks.

2. Service of Process

Defendant's internet web site and other public documents identify its place of business and "headquarters" as 2899 Agoura Road, Suite 310, Westlake Village, California 91361. However, since that place of business is simply a mail forwarding address, service of process was effected pursuant to California Code of Civil Procedure § 415.20(b) ("If a copy of the summons and complaint cannot with reasonable diligence be personally delivered ... a summons may be served by leaving a copy of the summons and complaint at the ... usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a ... person apparently in charge of his or her office, place of business, or usual

mailing address ... who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.").

On February 13, 2008, a copy of the Summons and Complaint were served through LaSalle Process Services on the manager of the mail forwarding service, who was advised of the contents. On March 5, 2008 (after counsel for Plaintiff was fully advised of the manner of service), copies of the Summons and Complaint were sent to the Defendant at that address by Federal Express overnight courier, as well as by facsimile and email. Pursuant to California Code of Civil Procedure § 415.20(b), Defendant's responsive pleading is due no later than March 17, 2008. In a further effort to comply with this Court's Order and prepare a joint initial status report, Plaintiff's counsel, Raymond P. Niro, Jr., attempted to contact Defendant by telephone. Defendant has not responded to any of these contacts.

If Defendant files a responsive pleading (or otherwise contacts Plaintiff's counsel), Plaintiff will make every effort to promptly submit a "joint" status report prior to the scheduled hearing of March 20, 2008. If no responsive pleading is filed, Plaintiff will likely seek default judgment against Defendant.

Respectfully submitted,

/s/ Raymond P. Niro, Jr.

Raymond P. Niro, Jr.

Dina M. Hayes

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, Illinois 60602 4515

Phone: (312) 236 0733

Facsimile: (312) 236 3137

nirojr@nshn.com; hayes@nshn.com

Attorneys for Freightquote.com, Inc.